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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,880	12/30/1999	JAMES R. ALTENDAHL	E-911	7003

7590   06/05/2002

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _30 December 1999_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 - 9_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 - 9_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. U.S. Patent 5,631,827 in view of Soga et al. U.S. Patent 6,304,856, and further in view of Wojcik e al. U.S. Patent 5,666,493.

Regarding claims 1, 3 – 6, Nicholls et al. discloses a logistics system which is adaptable to a wide variety of different organizations. The system is suitable for deployment on a single, standalone computer or on a computerized network comprising many computers. Nicholls et al. discloses that among the advantages of the present system are reduction in freight costs; convenient order tracking to facilitate warranty, lot and serial number tracking; readily customizable system adapted to shipping operation; etc.

Nichols et al. system includes, user interface for collecting input information from a user about a desired operation and for providing output information. Rate servers have database means for maintaining a record of the rates applicable to a

given carriers and further having an embedded set of predefined methods

representing the rate computation rules of said carriers. Nicholls et al provides

reports using a third party report generator program

Also, Nicholls et al., discloses that the shipments client accepts user input

for the routing, rating and documentation of a group of packages comprising a

shipment. Multiple shipper accounts are allowed and the desired account may by

selected from the Shipper "drop-box." Similarly, the service is selected from the

Service box. Alternatively, the service may be set to best way and the system will

choose the least cost carrier which meets the transit time requirements indicated

in the commitment field.

In addition, Nicholls et al. discloses that its " rate servers encode the

knowledge required to answer questions such as how to calculate shipment rates

or how to band shipments. Thus, rate servers provide the knowledge regarding a

specific carrier's requirements. Typically, rate servers are provided with specific

details regarding a given shipment's weight or the required delivery date by a

client application."

Nicholls et al. does not disclose to generate acceptable routes. Soga et al.

discloses to retrieve a transport route pattern by using the departure store name

and arrival store name as the key to determine transport route base stations. In

the transport route pattern, transport route base stations are registered at

intersection points of a matrix of departure store and arrival store. (For example, if

the departure store is "Sapporo nishiten" and the arrival store is "Fukuoka

higashiten", then an entry will determine that the transport route is Sapporo

nishiten--Chitose Kuhkohten--Fukuoka kuhkohten--Fukuoka higashiten.) Therefore

it is known at the time of applicant's invention to a person with ordinary skill in the art to create routes in Nicholls at al. to cut down the shipping expenses and to have efficient delivery for customers..

Regarding claim 2, Nichols discloses that "various transportation logistics tasks, such as order processing, order fulfillment, transportation of goods and tracking, are assigned to individual client/server objects which make up the building blocks of the computerized, logistics management system."

Regarding claims 7 Nicholls et al. discloses Nicholls et al., discloses that the shipments client accepts user input for the routing, rating and documentation of a group of packages comprising a shipment. Multiple shipper accounts are allowed and the desired account may by selected from the Shipper "drop-box." Similarly, the service is selected from the Service box. Alternatively, the service may be set to best way and the system will choose the least cost carrier which meets the transit time requirements indicated in the commitment field. Neither Nicholls et al. nor Soga et al. disclose apportionment of the costs for each of the consolodation. But, Nicholls et al. discloses means for maintaining a record of the rates applicable to a given carriers and further having an embedded set of predefined methods representing the rate computation rules of said carriers. It is notoriously known that carriers and freight consolidators charge shipping rates to their customers based upon shipping criteria like weight, volume, type of carto etc,

Therefore, it is obvious to a person with ordinary skills in the art that Nicholls et al.

to calculate shipping charges based on the carriers/consolidators requirements to

maintain their profit margins (for example, a customer shipping metal bars will be

charged shipping charges based upon weight, whereas, a customer shipping

furniture will be charged shipping charge based upon volume).

Regarding claim 8, neither Nicholls et al. nor Soga et al. disclose to decide

for consolidation of shipment. However, Wojcik et al diclsoses to decide for

consolidation of shipment. Wojcik discloses that if the shipment is not a full

truckload, the system goes through certain decisions to determine what is the

optimal truckload. Most orders are sorted by shipment date to decide whether

those two orders can go on the same truck, i.e., can it fit the delivery window

based on the guaranteed delivery date for that customer? If a full truckload is

determined, this would be the optimal consolidation. Also, Wojcik et al. disclose

that if it the orders going are to the same destination, the system would try to

consolidate all orders for the location. If the shipment is not in the same origin

area, it goes back into potential consolidation with other orders. Therefore, it is

known at the time of applicants invention to a person with ordinary skill in the art to

modify Nicholls et al. and Soga et al. as taught by Wojcik , and decide for

consolidation to provide efficient delivery services and meet customer

expectations.

Regarding claim 9, all limitations of the planning engine means are

analyzed in claims 1 – 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Nicholls et al. U.S. Patent 5,631,827 discloses Logistics System For Automating Transportation Of Goods.

2. Soga et al. U.S. Patent discloses Freight Information Management Method And Freight Management System Using Electronic Tags.

3. Wojcik et al. U.S. Patent 5,666,493 discloses System For Managing Customer Orders And Method Of Implementation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

May 16, 2002

WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
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